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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Case No. 1:19-cr-227
(LJV)

v.

February 29, 2024

JOSEPH BONGIOVANNI ,

Defendant.

TRANSCRIPT EXCERPT - EXAMINATION OF A.A. (P.W. #8)
BEFORE THE HONORABLE LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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And

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PRESENT:

BRIAN A. BURNS, FBI Special Agent
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KAREN A. CHAMPOUX, USA Paralegal

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9 (Excerpt commenced at 9:52 a.m.)

09:53AM 10 (Jury seated at 9:52 a.m.)

09:53AM 11 **THE COURT:** The government can call its next witness.

09:53AM 12 **MR. DICKSON:** Thank you, Judge. The government calls

09:53AM 13 Autumn Asher.

09:53AM 14

09:53AM 15 **A. A. (PROTECTED WITNESS #8),** having been duly called and
09:53AM 16 sworn, testified as follows:

09:53AM 17 **MR. DICKSON:** Can I proceed, Judge?

09:53AM 18 **THE COURT:** You may.

09:54AM 19

09:54AM 20 **DIRECT EXAMINATION BY MR. DICKSON:**

09:54AM 21 Q. Good morning.

09:54AM 22 A. Good morning.

09:54AM 23 Q. Will you please introduce yourself to the jury?

09:54AM 24 A. My name is A.A.

09:54AM 25 Q. Ms. A.A., do you live in the Buffalo area?

09:54AM 1 A. Yes, I do.

09:54AM 2 Q. How old were you when you first came to Buffalo?

09:54AM 3 A. I was 17.

09:54AM 4 Q. And have you lived here ever since?

09:54AM 5 A. Yes, I have.

09:54AM 6 Q. How old are you now?

09:54AM 7 A. 36.

09:54AM 8 Q. How far did you go in school?

09:54AM 9 A. I completed -- I completed my 11th grade year.

09:54AM 10 Q. Your 11th grade year?

09:54AM 11 A. Yeah.

09:54AM 12 Q. And after you completed your 11th grade year, did you

09:54AM 13 start working?

09:54AM 14 A. Yes, I did.

09:54AM 15 Q. What kind of jobs did you have?

09:54AM 16 A. I worked at fast food restaurants, and I worked in

09:54AM 17 retail. And then I was an exotic dancer, and I also did

09:54AM 18 collections.

09:54AM 19 Q. You said you were an exotic dancer. Were you ever an

09:54AM 20 exotic dancer at a place called Pharaoh's Gentlemen's Club?

09:54AM 21 A. Yes, I was.

09:54AM 22 Q. When did you start working there?

09:54AM 23 A. In the year of 2012.

09:54AM 24 Q. And when did you leave Pharaoh's?

09:55AM 25 A. 2018.

09:55AM 1 Q. Can you describe for the jury what the layout of
09:55AM 2 Pharaoh's is like if you were walking in to Pharaoh's as a
09:55AM 3 customer?

09:55AM 4 A. When you walk in, you walk in the door, you turn right
09:55AM 5 and you look up, you see the bar, there's a side pole. And
09:55AM 6 you scan the room around, there's the VIP rooms. And then
09:55AM 7 there's a whole big stage. And there's tables and chairs.

09:55AM 8 Q. Now, is Pharaoh's just one level, or is there an
09:55AM 9 upstairs, too?

09:55AM 10 A. There's an upstairs.

09:55AM 11 Q. Can you tell the jury how you decided to start working at
09:55AM 12 Pharaoh's?

09:55AM 13 A. One of my friends had told me that they were making good
09:55AM 14 money over there, and that I should come over and work there.

09:55AM 15 Q. And as a dancer there, how did you actually make money?

09:55AM 16 A. Made money by doing lap dances and VIP, tips on the
09:55AM 17 stage, tips from customers.

09:56AM 18 Q. Did you ever have to give some of that money back to the
09:56AM 19 managers of the club?

09:56AM 20 A. Yes.

09:56AM 21 Q. Can you tell the jury about that?

09:56AM 22 A. If you weren't there at noon, you got your first dance
09:56AM 23 taken from you.

09:56AM 24 Q. What does that mean, to have your first dance taken from
09:56AM 25 you?

09:56AM 1 A. For lap dances, you don't get a chip for it. They keep
09:56AM 2 your chip.

09:56AM 3 Q. And tell them, tell the jury what a chip means.

09:56AM 4 A. The chip is your dance chip, and that's how we get our
09:56AM 5 money at the end of the night. We turn those in to the VIP
09:56AM 6 guy.

09:56AM 7 Q. So you get a chip for every dance, and then you turn
09:56AM 8 those chips in at the end of the night?

09:56AM 9 A. Yes.

09:56AM 10 Q. Now, were there different shifts for working at
09:56AM 11 Pharaoh's?

09:56AM 12 A. Yes, there was.

09:56AM 13 Q. What were those shifts?

09:56AM 14 A. There was the afternoon, the day shift, and then there
09:56AM 15 was the night shift.

09:56AM 16 Q. Were there different managers for the day shift and for
09:56AM 17 the night shift?

09:56AM 18 A. Yes, there was.

09:56AM 19 Q. Do you remember who the managers were while you worked
09:57AM 20 there for the day shift?

09:57AM 21 A. The day shift, it was Chris.

09:57AM 22 Q. And then what about for the night?

09:57AM 23 A. Night shift, it was Doug.

09:57AM 24 Q. While you worked at Pharaoh's, Ms. A.A., did you meet
09:57AM 25 somebody named Peter Gerace?

09:57AM 1 A. Yes, I did.

09:57AM 2 Q. What did you understand his job to be at Pharaoh's?

09:57AM 3 A. I understand his job as being the boss of the club, the
09:57AM 4 owner.

09:57AM 5 Q. Now you told us, Ms. A.A., a second ago that there was an
09:57AM 6 upstairs part of Pharaoh's, right?

09:57AM 7 A. Yes.

09:57AM 8 Q. Now, as you understood it, was that upstairs part of
09:57AM 9 Pharaoh's, was that something that just anybody from the
09:57AM 10 public could go up to?

09:57AM 11 A. Not -- no. Just the dance, like, no, not at all.

09:57AM 12 Q. Who was, as far as you understood it, who controlled that
09:57AM 13 upstairs area?

09:57AM 14 A. Peter did.

09:57AM 15 Q. Ms. A.A., were you ever invited by Peter Gerace to go to
09:58AM 16 that upstairs part of Pharaoh's?

09:58AM 17 A. Yes.

09:58AM 18 Q. Were you invited by Mr. Gerace to go to the upstairs part
09:58AM 19 of Pharaoh's shortly after you started working there?

09:58AM 20 A. Yes.

09:58AM 21 Q. So in, like, 2012?

09:58AM 22 A. Yes.

09:58AM 23 Q. Can you tell the jury what happened that first time that
09:58AM 24 you went upstairs with Peter Gerace in Pharaoh's?

09:58AM 25 A. When I went upstairs, turned the corner, and it was a

09:58AM 1 dark hallway. There was a bathroom, and there was another
09:58AM 2 room with the doors shut. And down the hallway was the dark
09:58AM 3 room, and there was a chair and a TV.

09:58AM 4 Q. And what happened when you got up there?

09:58AM 5 A. When I got up there, I was told to sit down on the chair,
09:58AM 6 so I did.

09:58AM 7 Q. Who told you to sit down in the chair?

09:58AM 8 A. Peter.

09:58AM 9 Q. Okay. What happened after Peter told you to sit down in
09:59AM 10 the chair?

09:59AM 11 A. When I sat down in the chair, he had given me some
09:59AM 12 cocaine to do off the card. He put it up my nose and said
09:59AM 13 sniff. And I said okay.

09:59AM 14 Q. And you said he gave you some cocaine to do off of the
09:59AM 15 card. What do you mean by "off of the card?"

09:59AM 16 A. Like, he put it in a bag, and it was on the card, and
09:59AM 17 told me to sniff it up my nose.

09:59AM 18 Q. So there was some cocaine in the bag, and then he put it
09:59AM 19 onto the card?

09:59AM 20 A. Yes.

09:59AM 21 Q. Did Peter actually hold the card up to your nose?

09:59AM 22 A. Yes, he did.

09:59AM 23 Q. And do you need a tissue or some water? You can have
09:59AM 24 those if you'd like.

09:59AM 25 Prior to Peter Gerace giving you that cocaine, Ms. A.A.,

10:00AM 1 on that night, had you ever used cocaine before?

10:00AM 2 A. No.

10:00AM 3 Q. What made you decide to use that cocaine that Peter
10:00AM 4 Gerace gave you?

10:00AM 5 A. I thought it was okay, like, to keep my job. I was new.
10:00AM 6 I didn't know.

10:00AM 7 Q. On that day when Peter Gerace gave you that cocaine, was
10:00AM 8 there anybody else upstairs with you?

10:00AM 9 A. Yes.

10:00AM 10 Q. Who?

10:00AM 11 A. Marcus.

10:00AM 12 Q. Did you understand what Marcus's last name might be?

10:00AM 13 A. Black.

10:00AM 14 Q. Would you recognize a picture of Marcus if I showed it to
10:00AM 15 you?

10:00AM 16 A. Yes.

10:00AM 17 **MR. DICKSON:** Jane, if I can show for the witness
10:00AM 18 only Government Exhibit 485.

10:00AM 19 **BY MR. DICKSON:**

10:00AM 20 Q. Ms. A.A., do you see that on your screen okay?

10:01AM 21 A. Yes.

10:01AM 22 Q. Do you recognize the person in that photo?

10:01AM 23 A. Yes.

10:01AM 24 Q. Does it fairly and accurately depict Marcus Black as you
10:01AM 25 knew him back then?

10:01AM 1 A. Yes.

10:01AM 2 **MR. DICKSON:** Your Honor, the government offers 485
10:01AM 3 into evidence.

10:01AM 4 **MR. MacKAY:** No objection.

10:01AM 5 **THE COURT:** Received without objection.

10:01AM 6 **(GOV Exhibit 485 was received in evidence.)**

10:01AM 7 **MR. DICKSON:** Can we publish that to the jury,
10:01AM 8 please? Thank you.

10:01AM 9 **BY MR. DICKSON:**

10:01AM 10 Q. Ms. A.A., over your time working at Pharaoh's, did you
10:01AM 11 get to know Marcus Black well?

10:01AM 12 A. Yes.

10:01AM 13 Q. Was he at Pharaoh's frequently when Peter Gerace was
10:01AM 14 there?

10:01AM 15 A. Yes.

10:01AM 16 Q. Did you see Peter Gerace and Marcus Black interacting
10:01AM 17 with each other?

10:01AM 18 A. Yes, I did.

10:01AM 19 Q. From what you saw and observed, how would you describe
10:01AM 20 their relationship?

10:01AM 21 A. That they were friendly. Very good friends, to my
10:01AM 22 knowledge.

10:01AM 23 Q. Earlier you told us that Peter Gerace gave you cocaine in
10:02AM 24 that upstairs area. Did you ever see Marcus Black with
10:02AM 25 cocaine inside of Pharaoh's?

10:02AM 1 A. Yes.

10:02AM 2 Q. Did you ever see Marcus Black sell or give cocaine to
10:02AM 3 Peter Gerace?

10:02AM 4 A. Yes.

10:02AM 5 Q. Was it just one time, or was it more than one time?

10:02AM 6 A. It was more than one time.

10:02AM 7 Q. When you would see this happen, Ms. A.A., where inside of
10:02AM 8 Pharaoh's would you see Marcus Black give Peter Gerace
10:02AM 9 cocaine?

10:02AM 10 A. In the hallway by the kitchen where there was no cameras.

10:02AM 11 Q. Like, no security cameras?

10:02AM 12 A. No security cameras.

10:02AM 13 Q. Did you ever see them exchanging cocaine and money?

10:02AM 14 A. Yes.

10:02AM 15 Q. And where inside of Pharaoh's would you see them exchange
10:03AM 16 cocaine and money?

10:03AM 17 A. Over by the wall, again, where there was no security
10:03AM 18 cameras.

10:03AM 19 **MR. DICKSON:** We can take down this exhibit, please.

10:03AM 20 Thank you.

10:03AM 21 **BY MR. DICKSON:**

10:03AM 22 Q. Ms. A.A., did you ever see any other Pharaoh's employees
10:03AM 23 dealing cocaine inside of the club?

10:03AM 24 A. Can you refresh my memory, please?

10:03AM 25 Q. Yeah, sure. Do you remember testifying in front of the

10:03AM 1 grand jury?

10:03AM 2 A. Yes.

10:03AM 3 Q. And would seeing a copy of what you said inside the grand
10:03AM 4 jury help you remember?

10:03AM 5 A. Yes.

10:04AM 6 **MR. DICKSON:** Your Honor, I'm holding what's marked
10:04AM 7 as 3566A for identification. And just for everybody's
10:04AM 8 reference, I'm on page 29, starting at line 6 and going
10:04AM 9 through to the next page.

10:04AM 10 May I approach the witness?

10:04AM 11 **THE COURT:** You may.

10:04AM 12 **BY MR. DICKSON:**

10:04AM 13 Q. Ms. A.A., go ahead and read through that page and the
10:04AM 14 next page, and then when you're finished reading, look up at
10:04AM 15 me, okay?

10:05AM 16 All done?

10:05AM 17 A. Yeah.

10:05AM 18 **BY MR. DICKSON:**

10:05AM 19 Q. I've taken the exhibit back from you, Ms. A.A. Did that
10:05AM 20 help you remember whether there were other Pharaoh's
10:05AM 21 employees who sold cocaine?

10:06AM 22 A. Yes.

10:06AM 23 Q. Which other employees at Pharaoh's do you remember
10:06AM 24 selling cocaine?

10:06AM 25 A. Yes.

10:06AM 1 Q. Which? Which of the employees?

10:06AM 2 A. Charm.

10:06AM 3 Q. Charm? Was that a person's name at the club that they

10:06AM 4 used?

10:06AM 5 A. Yes.

10:06AM 6 Q. Do you know that person's real name?

10:06AM 7 A. Jessica Leyland.

10:06AM 8 Q. Who did you see Jessica Leyland sell cocaine to?

10:06AM 9 A. Peter, some of the dancers.

10:06AM 10 Q. Was that also inside of Pharaoh's?

10:06AM 11 A. Yes.

10:06AM 12 Q. Do you know from what you remember where you saw Jessica

10:06AM 13 Leyland sell cocaine to Peter inside of the club?

10:06AM 14 A. The hallway where there's no cameras.

10:06AM 15 Q. That same hallway?

10:06AM 16 A. Yes.

10:06AM 17 Q. And was this just one time, or was it more than one time?

10:06AM 18 A. It was more than once.

10:06AM 19 Q. Ms. A.A., you told us that when Peter Gerace gave you

10:07AM 20 that cocaine upstairs, that was the first time you ever used

10:07AM 21 cocaine?

10:07AM 22 A. Yes.

10:07AM 23 Q. After that happened, did you start using cocaine more

10:07AM 24 regularly?

10:07AM 25 A. Yes.

10:07AM 1 Q. Were you using cocaine more regularly while you were
10:07AM 2 inside of Pharaoh's?

10:07AM 3 A. Yes.

10:07AM 4 Q. Why did you use cocaine inside of Pharaoh's?

10:07AM 5 A. Because it was given to me.

10:07AM 6 Q. Did you also use cocaine inside of that upstairs area
10:07AM 7 more than once?

10:07AM 8 A. Yes.

10:07AM 9 Q. With Peter Gerace?

10:07AM 10 A. Yes.

10:07AM 11 Q. When you were upstairs, who would give you that cocaine?

10:07AM 12 A. Peter would.

10:07AM 13 Q. You said the first time that you got cocaine from Peter
10:07AM 14 Gerace was around 2012?

10:07AM 15 A. Yes.

10:07AM 16 Q. Do you remember when the last time was?

10:07AM 17 A. Right before I left.

10:07AM 18 Q. Which was when?

10:07AM 19 A. 2018.

10:08AM 20 Q. And was that also in the upstairs part of Pharaoh's?

10:08AM 21 A. Yes.

10:08AM 22 Q. Did you also use other drugs while you were working at
10:08AM 23 Pharaoh's?

10:08AM 24 A. Yes.

10:08AM 25 Q. What drugs?

10:08AM 1 A. Adderall.

10:08AM 2 Q. Where would you get the Adderall that you used inside of
10:08AM 3 Pharaoh's?

10:08AM 4 A. From Marcus Black.

10:08AM 5 Q. Marcus Black?

10:08AM 6 Ms. A.A., are you still using cocaine today?

10:08AM 7 A. No, I'm not.

10:08AM 8 Q. Are you still using Adderall?

10:08AM 9 A. No, I'm not.

10:08AM 10 Q. Ms. A.A., did you also see other dancers inside of
10:08AM 11 Pharaoh's use cocaine?

10:08AM 12 A. Yes.

10:08AM 13 Q. Did you see other dancers inside of Pharaoh's use other
10:08AM 14 drugs, too?

10:08AM 15 A. Yes.

10:08AM 16 Q. Do you remember any specific other drugs that you saw
10:09AM 17 other dancers use?

10:09AM 18 A. I can recall heroin.

10:09AM 19 Q. Heroin?

10:09AM 20 A. Yes.

10:09AM 21 Q. I think earlier you mentioned one of the day shift
10:09AM 22 managers, his name was Chris, right?

10:09AM 23 A. Yes.

10:09AM 24 Q. Did you ever see Chris fire one of those dancers who was
10:09AM 25 using heroin?

10:09AM 1 A. Yes.

10:09AM 2 Q. What happened to that dancer after Chris fired her, from
10:09AM 3 what you remember?

10:09AM 4 A. They would go back to Peter and talk with him, and they
10:09AM 5 would get -- he would give them their job back.

10:09AM 6 Q. Ms. A.A., while you were working at Pharaoh's, did any of
10:09AM 7 the customers ever introduce themselves as friends of Peter
10:09AM 8 Gerace's?

10:09AM 9 A. Yes.

10:09AM 10 Q. I want to talk to you a little bit about those groups
10:09AM 11 that would introduce themselves as his friend, okay?

10:09AM 12 A. Okay.

10:10AM 13 Q. Was there ever an incidence when people who said they
10:10AM 14 were Mr. Gerace's friends asked you to get them cocaine
10:10AM 15 inside of Pharaoh's?

10:10AM 16 A. Yes.

10:10AM 17 Q. When was the first time that happened? Do you remember
10:10AM 18 what year?

10:10AM 19 A. Right when I first probably started to work there.

10:10AM 20 Q. So around 2012?

10:10AM 21 A. Yes, sir.

10:10AM 22 Q. Can you describe what happened that first time
10:10AM 23 Mr. Gerace's friends asked about getting cocaine at
10:10AM 24 Pharaoh's?

10:10AM 25 A. They asked me if I could go get it for them. And I said

10:10AM 1 I'll go ask Peter.

10:10AM 2 Q. So what did you do?

10:10AM 3 A. I went over to Peter and asked him, and he told me to go
10:10AM 4 see Marcus.

10:10AM 5 Q. After he told -- after Peter told you to go see Marcus,
10:10AM 6 what did you do? What did you do?

10:10AM 7 A. What did I do? I went over to Marcus and told him.

10:11AM 8 Q. Did Marcus give you cocaine?

10:11AM 9 A. Yes.

10:11AM 10 Q. What did you -- what did you say to Marcus when you got
10:11AM 11 over there?

10:11AM 12 A. I told Marcus that Peter's friends wanted cocaine, and
10:11AM 13 that Peter told me I could go to you to get it.

10:11AM 14 Q. What did Marcus do after you told him that?

10:11AM 15 A. He went to the bathroom and then came back out and
10:11AM 16 brought it in a dollar bill, and gave it to me to go give it
10:11AM 17 to them.

10:11AM 18 Q. You said he brought it. What's the "it?"

10:11AM 19 A. He brought cocaine in the dollar bill, and gave it to me
10:11AM 20 to go give to Peter's friends.

10:11AM 21 Q. When you say in a dollar bill, was it like wrapped up
10:11AM 22 inside of a dollar bill?

10:11AM 23 A. Yes, it was wrapped up.

10:11AM 24 Q. What did you do with that cocaine after Marcus Black gave
10:11AM 25 it to you?

10:11AM 1 A. I went over to give it to Peter's friends.

10:11AM 2 Q. Did you actually give it to them?

10:11AM 3 A. Yes.

10:11AM 4 Q. Did you get anything in return for delivering the cocaine

10:12AM 5 from Marcus Black to Peter Gerace's friends?

10:12AM 6 A. Yes.

10:12AM 7 Q. What?

10:12AM 8 A. I was given cocaine in a dollar bill.

10:12AM 9 Q. And who gave you that cocaine?

10:12AM 10 A. Marcus.

10:12AM 11 Q. How much cocaine did he give you?

10:12AM 12 A. It was enough -- it was enough.

10:12AM 13 Q. Enough just for you to use?

10:12AM 14 A. No, enough for me if I wanted to share it with a dancer

10:12AM 15 friend or two.

10:12AM 16 Q. Beyond this one time, Ms. A.A., were there other times

10:12AM 17 where that same group of friends would ask you to get cocaine

10:12AM 18 for them inside of Pharaoh's?

10:12AM 19 A. Yes.

10:12AM 20 Q. Was it always the same group of people, or were there

10:12AM 21 other people?

10:12AM 22 A. There was other people.

10:12AM 23 Q. And you said that first time that happened, you went over

10:13AM 24 to Peter and asked him permission?

10:13AM 25 A. Yeah.

10:13AM 1 Q. Every time these friends would ask for cocaine, did you
10:13AM 2 always go ask Peter Gerace for permission?

10:13AM 3 A. Yes, I did.

10:13AM 4 Q. Did you do that every single time, or was there a time
10:13AM 5 where you stopped asking?

10:13AM 6 A. There was a time I stopped asking, because Peter told me
10:13AM 7 that I didn't need to anymore.

10:13AM 8 Q. Ms. A.A., did Peter Gerace ever tell you how to behave
10:13AM 9 when you would see his friends doing cocaine?

10:13AM 10 A. Yes.

10:13AM 11 Q. What did Peter Gerace tell you?

10:13AM 12 A. Told me to look the other way. Act discreetly. Act like
10:13AM 13 nothing was going on.

10:13AM 14 Q. Did he tell you to not say anything?

10:13AM 15 A. Yes.

10:13AM 16 Q. Over the course of the time that you worked at Pharaoh's,
10:14AM 17 how many times would you say you delivered cocaine from Peter
10:14AM 18 or Marcus to a group of customers?

10:14AM 19 A. Like, seven or eight times.

10:14AM 20 Q. And while you worked at Pharaoh's, Ms. A.A., did you see
10:14AM 21 any law enforcement officers inside of Pharaoh's?

10:14AM 22 A. I would only see them when they would come in the
10:14AM 23 building, they would show their badge, and they were allowed
10:14AM 24 to come in for free.

10:14AM 25 **MR. DICKSON:** Give me just one second, okay?

10:14AM 1 **THE WITNESS:** Yeah.

10:14AM 2 **BY MR. DICKSON:**

10:14AM 3 Q. Ms. A.A., you said you started working in Pharaoh's in
10:14AM 4 2012. How old were you when you started working there?

10:14AM 5 A. 23, 24.

10:15AM 6 **MR. DICKSON:** Okay. Thank you for your time.

10:15AM 7 Your Honor, I don't have any more questions.

10:15AM 8 **THE COURT:** Cross?

10:15AM 9 **MR. MacKAY:** Yes, thank you, Your Honor.

10:15AM 10

10:15AM 11 **CROSS-EXAMINATION BY MR. MacKAY:**

10:15AM 12 Q. Good morning, Ms. A.A.

10:15AM 13 A. Good morning.

10:15AM 14 Q. So my name is Parker MacKay.

10:15AM 15 A. Okay.

10:15AM 16 Q. I represent somebody named Joseph Bongiovanni.

10:15AM 17 Now that we've sort of introduced ourselves, would it be

10:15AM 18 okay if I asked you some questions to follow up what

10:15AM 19 Mr. Dickson asked?

10:15AM 20 A. Yes.

10:15AM 21 Q. Okay. So if I'm understanding you correctly, the people

10:15AM 22 you saw inside of Pharaoh's that appeared to be dealing

10:16AM 23 cocaine were two people, that would be Marcus Black and

10:16AM 24 Jessica Leyland; is that correct?

10:16AM 25 A. Correct.

10:16AM 1 Q. Okay. They were the people, to the best of what you saw,
10:16AM 2 who brought cocaine into the club?

10:16AM 3 A. Yes.

10:16AM 4 Q. Okay. And you said there were some occasions where you
10:16AM 5 acted something like a go-between, between Mr. Gerace's
10:16AM 6 friends and Marcus Black; do you recall that?

10:16AM 7 A. I'm sorry, what?

10:16AM 8 Q. You talked about some situations where it looks like you
10:16AM 9 brought drugs back and forth between Mr. Black and some
10:16AM 10 friends of Mr. Gerace's; is that correct?

10:16AM 11 A. Yes.

10:16AM 12 Q. Okay. But you said that only happened about seven or
10:16AM 13 eight times that you can remember, correct?

10:16AM 14 A. Yes.

10:16AM 15 Q. So you worked there from 2012 to 2018, correct?

10:16AM 16 A. Correct.

10:16AM 17 Q. And, I mean, can we understand that to mean that happened
10:17AM 18 maybe just a little over one time a year then?

10:17AM 19 A. Not --

10:17AM 20 Q. Well, let me ask it to you a different way. Did that
10:17AM 21 happen all in kind of a short period of time?

10:17AM 22 A. No, it happened over the course of the years that I
10:17AM 23 worked there.

10:17AM 24 Q. Okay. But given how many, did you work continuously at
10:17AM 25 Pharaoh's from 2012 to 2018?

10:17AM 1 A. It was on and off that I did.

10:17AM 2 Q. Okay. Would it be fair to say then that these incidents
10:17AM 3 we're talking about were sort of few and far between?

10:17AM 4 A. Few and far between? What do you -- I'm sorry.

10:17AM 5 Q. Was there a lot of time between when these incidents
10:17AM 6 would happen?

10:17AM 7 A. Yes. They would happen quite frequently when they would
10:17AM 8 come in.

10:17AM 9 Q. Now, you mentioned a woman named Charm, who you know to
10:17AM 10 be Jessica Leyland; do you remember her?

10:17AM 11 A. Correct, yes.

10:17AM 12 Q. Okay. And I think you told us that at times she appeared
10:17AM 13 to be dealing cocaine?

10:17AM 14 A. Yes.

10:17AM 15 Q. Okay. Did you ever see her exchange any money for
10:18AM 16 cocaine? Or was it just handing cocaine over to somebody?

10:18AM 17 A. What from what I can recall I remember I seen her handing
10:18AM 18 it. And I'm almost positive there was money involved, too.

10:18AM 19 I don't really remember.

10:18AM 20 Q. Okay. You don't remember a lot from that time period?

10:18AM 21 A. No.

10:18AM 22 Q. Now is it fair to say, though, that Ms. Leyland, when she
10:18AM 23 would do this, this was more frequently, I'm sorry, this was
10:18AM 24 more towards the end of the time when you worked at
10:18AM 25 Pharaoh's?

10:18AM 1 A. Correct.

10:18AM 2 Q. Okay. So going back to the beginning of the time you
10:18AM 3 worked at Pharaoh's, you didn't really see her dealing at
10:18AM 4 that time, did you?

10:18AM 5 A. No, I didn't.

10:18AM 6 Q. Okay. Now, you talked about these groups of friends that
10:18AM 7 came in who appeared -- who you thought were friends of
10:18AM 8 Mr. Gerace's; do you remember those people?

10:19AM 9 A. Correct.

10:19AM 10 Q. You don't remember who any of those folks were, correct?

10:19AM 11 A. I don't know, no.

10:19AM 12 Q. Okay. Were they white? Were they black? Were they
10:19AM 13 Hispanic?

10:19AM 14 A. They were white. And they were different color mixes,
10:19AM 15 races, white, black, Hispanic.

10:19AM 16 Q. So it appeared to be different people on different
10:19AM 17 occasions?

10:19AM 18 A. Yes.

10:19AM 19 Q. Okay. And none of those folks were law enforcement
10:19AM 20 folks, were they? That you can recall?

10:19AM 21 A. I don't -- I don't remember really. I don't. I just
10:19AM 22 know that they were all together sometimes. I just know, I
10:19AM 23 remember law enforcement showed their badge at the door so
10:19AM 24 they could get in.

10:19AM 25 Q. Sure. And that's the only way you would know if somebody

1 was law enforcement if they showed a badge at the door,
2 correct?

3 A. Yes, correct.

4 Q. And, you know, I would assume you were not right there at
5 the door, so you wouldn't know what type of badge it was or
6 anything like that, correct?

7 A. Not most of the time, no.

8 Q. Okay. But you were never directed by Mr. Gerace at any
9 point in time, like, hey, these folks are law enforcement,
10 take care of them; is that fair to say?

11 A. That's fair.

12 Q. Okay.

13 A. Yes.

14 Q. I'm just going to ask you one more question, Ms. A.A.

15 A. Okay.

16 Q. There's a gentleman at this table who is seated -- who is
17 seated next to where I was seated. He's got a gray tie on.

18 You've never seen him before in your life that you recall,
19 correct?

20 A. I've never seen him. I don't know him. I don't recall
21 him.

22 **MR. MacKAY:** Okay. Thank you very much, Ms. A.A.

23 **THE WITNESS:** You're welcome.

24 **THE COURT:** Any redirect?

25 **MR. DICKSON:** Yes, Judge.

10:20AM

1 **REDIRECT EXAMINATION BY MR. DICKSON:**

10:20AM

2 Q. Almost done, okay?

10:20AM

3 Ms. A.A., when you were working at Pharaoh's, did you see
4 people using cocaine inside of the club frequently, or
5 infrequently?

10:20AM

6 A. Frequently.

10:20AM

7 Q. Okay.

10:20AM

8 **MR. DICKSON:** Your Honor, I don't have any more
9 questions. Thank you.

10:20AM

10 **THE COURT:** Mr. MacKay, anything more?

10:20AM

11 **MR. MacKAY:** No, Your Honor.

10:20AM

12 **THE COURT:** Okay. You can step down, ma'am. Thank
13 you.

10:20AM

14 (Witness excused at 10:20 a.m.)

15

(Excerpt concluded at 10:20 a.m.)

16

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CERTIFICATE OF REPORTER

20

In accordance with 28, U.S.C., 753(b), I certify that
these original notes are a true and correct record of
proceedings in the United States District Court for the
Western District of New York on February 29, 2024.

24

s/ Ann M. Sawyer

25

Ann M. Sawyer, FCRR, RPR, CRR
Official Court Reporter
U.S.D.C., W.D.N.Y.

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EXCERPT - EXAMINATION OF A.A. (PROTECTED WITNESS #8)

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